

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

- vs -

BRIAN McKENZIE,

Defendant.

Criminal No. 09-0045 (DMC)

ORDER AND
JUDGMENT OF ACQUITTAL

DENNIS M. CAVANAUGH, U.S.D.J.:

THIS MATTER having come before the Court upon the motion of defendant Brian McKenzie, through his attorneys Hartmann Doherty Rosa Berman & Bulbulia, LLC (Mark A. Berman, Esq., appearing), for entry of a Judgment of Acquittal, pursuant to Federal Rule of Criminal Procedure 29, on all counts in the Superseding Indictment, and the Court having heard oral argument, reviewed the record, and considered the submissions of the parties, and the Court having concluded that insufficient evidence was presented by the government at trial to support the charges and that no rational jury could find defendant McKenzie guilty beyond a reasonable doubt, and for good cause shown;

IT IS on this 12 day of November, 2010:

ORDERED that defendant Brian McKenzie's motion for entry of a Judgment of Acquittal on all counts be and is hereby GRANTED; and it is further

ORDERED that all counts as to defendant Brian McKenzie be and are hereby DISMISSED; and it is further


ORDERED that all conditions of defendant Brian McKenzie's pretrial release be and are hereby VACATED and DISCHARGED; and it is further

ORDERED that the Notice of Lien placed for the benefit of the United States on property posted to secure defendant Brian McKenzie's pretrial release -- specifically 4 Carman Court, Dix Hills, NY (Dist: 0400; Section: 260.00; Block 03.00; Lot: 008.005; County: Suffolk), owned by Marc and Zea McKenzie -- be and is hereby VACATED and DISCHARGED; and it is further

ORDERED that the Agreement to Forfeit Property (dated March 17, 2009) and Appearance Bond (dated March 17, 2009) executed by defendant Brian McKenzie and his brother, Marc McKenzie, to secure defendant Brian McKenzie's pretrial release be and are hereby VACATED and DISCHARGED; and it is further

ORDERED that the U.S. Attorney's Office shall ensure that defendant Brian McKenzie's passport is returned to him, through his attorney, within five (5) business days of the date of this Order.

SO ORDERED.



Honorable Dennis M. Cavanaugh
UNITED STATES DISTRICT JUDGE

cc: Clerk's Office
All Counsel of Record
U.S. Pretrial Services
File